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THE BATON ROUGE LAWYER

THE MAGAZINE OF THE BATON ROUGE BAR ASSOCIATION



Bench Bar Conference 2023
April 12-15 • Point Clear, Ala.

Bench Bar Conference 2023

The Grand Hotel Golf Resort & Spa | Point Clear, Alabama | April 12-15, 2023

Hotel Reservation Information: A block of rooms at the conference are reserved at The Grand. To make your reservation, go to the following URL: <https://book.passkey.com/event/50340115/owner/10807/home>. Room block is available April 11-15. Complete and mail this registration form to: BRBA, P. O. Box 2241, Baton Rouge, LA 70821.

Conference Registration: The conference offers 12.5 CLE credit hours, including ethics and professionalism. Registration fees include registrant's CLE seminar materials, coffee breaks and evening social events.

Bar Roll Number: _____ Year of admission to LSBA: _____ Shirt Size: _____

Name: _____

Firm: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Cell Phone: _____ Email: _____

GUEST/SPOUSE: Please register my guest/spouse for the Bench Bar Conference at no additional fee. Guest/spouse must be registered to receive event tickets to the Thursday night cocktail reception and Friday dance. ***This does not apply for social-only registrants.***

Name of guest/spouse: _____

Registration Options: The listed rates listed below apply to attendees staying at The Grand hotel Golf Resort & Spa.

First-Timer Registration for BRBA members (Limited to the first 20 BRBA members who have never attended the conference and who registers by March 2, 2023). \$425 _____

Regular Registration (Begins February 25, 2023). \$700 _____

Late Registration (Begins March 13, 2023). \$800 _____

Judicial Registration (for all judges). \$575 _____

Special Rates for Section Members (BRBA Young Lawyers & Government Lawyers) \$495 _____

Social-Only Registration

Staying Onsite \$300 _____
(Limited to the first 10 BRBA members who register by March 3, 2023. Social-only registrants bringing a guest/spouse must complete a separate registration below (See indented "Additional Guest Registration" section below.)

Non-member Registration (Applies to lawyers who are not members of the BRBA) \$900 _____

Offsite Accommodations (Please add an additional fee of \$200 to your registration if you are staying in accommodations other than The Grand. This fee is refundable if we meet our room block. We negotiated a block of rooms at The Grand at special conference rates and we are financially committed to filling the room block.) \$200 _____

Additional Guest Registration: Each guest receives one ticket to the Thursday and Friday night social events.

Children's Name(s): (Include first and last names): _____

Children Under Age 4 # persons @ \$0 \$0 _____

Children Age 5-12 # persons @ \$70 \$ _____

Children Age 13-18 # persons @ \$95 \$ _____

(Children's registration fees include nametags and one ticket to the Thursday and Friday night social events.)

Guest over Age 18 (Include first and last names): _____

..... # persons @ \$125 \$ _____

TOTAL # of persons _____ @ \$ _____

Official Conference T-Shirts for Guest Registrants: T-Shirt must be pre-ordered and will not be available for purchase at the conference. Order deadline is March 3, 2022. (Note: you will receive one T-Shirt with your conference registration.)

Please check the appropriate size(s): **ADULT:** S | M | L | XL | 2XL; **CHILD:** S | M | L

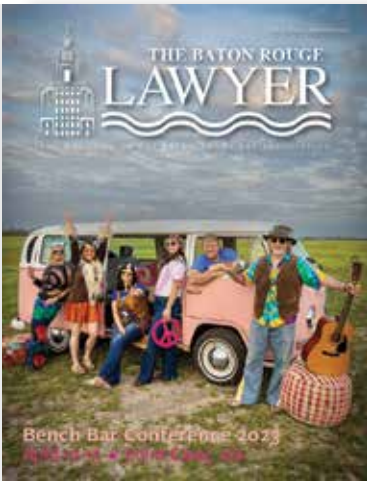
..... # quantity of shirts needed @ \$15 each = Total: \$ _____

Office Use Only: Check No. _____

Grand Total: \$ _____

TOTAL: Grand total enclosed: _____ **(Include all ticket fees with grand total.):**

Return checks to: Baton Rouge Bar Association, P.O. Box 2241, Baton Rouge, LA 70821 or register online at: <https://brba.org/BenchBarConference>



On the Cover

The 2023 BRBA President Melanie Newkome Jones and Bench Bar Conference Chair Valerie Briggs Bargas are photographed on the cover of this month's issue. In the photo are (left to right) Penny Mooney, Jones, Bargas, Sallie C. DuPont, Christopher D. Shows (in the window) and David O. Mooney (far right). The theme of this year's conference is "Peace, Law and Happiness."

The cover photo was taken with permission from Mike Wampold at the future site of the Harveston neighborhood, www.harvestonbr.com. And kudos to David and Penny Mooney, who lent us their V.W. van for the photo.

Photography by Kent Moroux.

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Register to attend this year's Bench Bar Conference

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Contact Ann K. Gregorie at 225-214-5563 or ann@brba.org.

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The Baton Rouge Lawyer supports participation of the membership in its production. We encourage the submission of articles and letters to the editor. Single-spaced, typed articles in Word should be fewer than 1,800 words including endnotes. Please email article submissions to: pam@brba.org.

For advertising information call 225-344-4803 or 225-214-5560. Display ads should be high-resolution attachments (.PDF), and classified ads as text only. Please email all ad artwork to pam@brba.org. Publication of any advertisement shall not be considered an endorsement of the product or service involved. The editor reserves the right to reject any advertisement, article or letter.

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Letter from the President

Establishing Rapport, Enjoying Camaraderie

by *Melanie Newkome Jones*

Our organization is diverse; our members come in various ages, races, genders, religions, political affiliations and practice areas. Despite our differences, we all have one thing in common—we belong to an exclusive group that is able to serve the public with our specialized training and experience.

“The legal profession is a learned calling. As such, lawyers should act with honesty and integrity and be mindful of our responsibility to the judicial system, the public, our colleagues, and the rule of law. We, as lawyers, should always aspire to the highest ideals of our profession.” Louisiana Code of Professionalism

What can we do to elevate ourselves and our colleagues to fulfill these responsibilities? Coming together, meeting each other where we are and encouraging all attorneys to strive for these ideals is a place to start.

Our bar association is committed to serving our members and our community. We value professionalism and promoting a bar that is both collegial and civil. One way to achieve this goal is by spending time with other attorneys and the judges. If we can gather as friends, we establish a rapport that spills over into our professional dealings with each other. That is where involvement in the bar benefits you, your colleagues and your clients.

The BRBA has several upcoming functions that are great opportunities for us to get together and enjoy some camaraderie.

The Bench Bar Conference is being held April 12-15, 2023, at the Grand Hotel in Point Clear, Alabama. Join judges, your colleagues and their families for many fun activities and earn CLE hours as well.

The Bench Bar Conference is a great opportunity to spend time with other attorneys and the bench. Meeting each



Melanie N. Jones

other’s families and getting to know the other members of the Bar in a relaxed setting promotes camaraderie in our profession, and everyone benefits from that.

This year’s theme is the 1960s: “Peace, Law and Happiness.” We have a great line-up of speakers and panels on a variety of topics for the CLE offerings. Our Friday night dance will feature the iconic band Bag of Donuts. Dress up in your bell bottoms and tie-dyed groovy attire, and come boogie down with us. Other social functions, including karaoke and a reception with the judges, are scheduled. We will have lots of fun groovin’ at The Grand.

The annual high school mock trial competition and Law Day

both take place in the spring, and each offers rewarding volunteer opportunities for BRBA members. From personal experience, I can tell you that participating in either will renew your faith in our youth, the next generation of up-and-coming attorneys and judges. Mock Trial will be held March 3-4, 2023, at the 19th Judicial District Courthouse. The BRBF Law Day celebration will take place May 1, 2023. If you miss them this year, there’s always next year.

Spring brings the BRBA Ball Maul Golf Tournament as well, which will be May 23, 2023, at the University Club. This fun event was resurrected a couple of years ago after a long hiatus, resulting in an incredible turnout. Law firms have used this as a team-building activity. We encourage spectators to join us as it is a fun event for all.

Join me and your friends and colleagues in one or more of these Bar activities. Fostering personal relationships with other attorneys in the Baton Rouge area is good, not only for each individual member, but also for the Baton Rouge legal community as a whole. I invite you to participate in any way you can, and I look forward to seeing you there.

Contributors



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Message from the chair

Conference to Follow “Peace, Law and Happiness” Theme

by Valerie Briggs Bargas

Melanie Newkome Jones asked me to chair this year’s conference, and I agreed without hesitation. I knew we were returning to The Grand, which is one of my favorite locations for this event. The Grand, which has been completely remodeled (it was in the process of being remodeled last time we were there) is a fabulous location for attendees and their families. The facilities give us plenty of opportunities to expand our entertainment offerings and plenty of options during our personal time. We can play golf, walk to local restaurants and enjoy the onsite restaurants and facility offerings like the spa.

The Baton Rouge Bench Bar Conference is my favorite bar-related event. I have been a regular attendee and committee member for many years. The CLE programming is always on point, and we typically have a large turnout of attorneys from many different practice backgrounds. It’s important to spend time with colleagues and judges in a relaxed social environment. Fostering collegiality builds relationships and encourages dialogue. My firm, Kinchen Walker Bienvenu Bargas Reed & Helm, LLC, has also been a regular sponsor.

This year’s theme, “Peace, Law and Happiness,” was Melanie Newkome Jones’ brainchild. She wanted to bring a positive spin to the conference, engaging our Bar with the concept of new beginnings and change. Dealing with the challenges of the pandemic during the last few years has been tough for our legal community, so a theme that focuses on positivity and change (much like the ’60s era) seemed fitting.

Our committee has been hard at work to ensure that the entertainment is on-point. We have an old favorite (Bag of Donuts) and a new format for Friday night focused on entertainment.

Attendees should definitely expect to feel a ’60s vibe, but the band will play a variety of music—something for everyone. Melanie refuses to tell me what her presidential song choice will be, but I fully expect to hear the music of Aretha Franklin, The Rolling Stones, The Temptations, Nina Simone and even The Beatles played throughout the night.

The T-shirts will definitely have a psychedelic flair! Hayden Moore always does a fabulous job with entertainment and T-shirts, and this year is no exception. She and the committee have taken feedback we received from prior years and tweaked, where necessary, our format, food options and overall entertainment experience for the attendees. For instance, karaoke was a huge hit last year, and it was completely impromptu. This year, we have formally added it to the schedule for Thursday night.

This year’s CLE, in keeping with our positive theme, will have a CLE hour focused on attorney wellbeing; we have a great panel lined up. We also have a CLE focusing on the Netflix documentary “I Just Killed My Dad.” Jarrett Ambeau will provide additional information about the case. We expect the seminar to be thought-provoking and engaging for the bench and bar. The majority of our CLE line-up will be panel-based to engage the audience and allow for more discussion of topics dealing with gender issues, the current evolution of civil rights, cryptocurrency and updates on tort reform and appellate issues. We even have an hour devoted to bankruptcy court and another hour to a family law topic. Much effort was put into developing CLE content that interests everyone.

We have a rock star committee in place, so I have plenty of help. I look forward to seeing everyone at The Grand in April.



The Dreaded Phone Call (or Why Do I Have a Collect Call from Parish Prison?) *by Michael S. Walsh & Kristyn Couvillion*

Phone calls in the middle of the night are rarely good. As a lawyer, you may receive a few urgent nighttime phone calls in your career with a common element: a client, employee or relative is in jail, and the caller is desperate to get them released. When you do receive that call, remind the caller that jails and bonds are not drive-thru fast-food restaurants. A process must be adhered to, which will take time.

This article covers four court systems in the East Baton Rouge area and provides helpful information to obtain your client's release on bond in each of them.¹

If you can answer all of the following questions, however, this article is probably not for you.

- Where is the jail?
- Where is the website with the inmate lookup list?
- How do you know if a bond has been set?
- To which court system will the case go if the Louisiana State Police or Sheriff's Office makes the arrest? What about the city police?

Federal Court

Arrests in the middle of the night are rare for federal court. There are exceptions, such as drug cases and violent felonies. Typically, a federal case begins with a grand jury indictment. The attorney negotiates the subsequent arrest, where the client will surrender to the U.S. Marshals and a magistrate judge will set a bond. As a middle-of-the-night arrest is rare in federal court, it is also rare to get your client out of jail during the night. If you receive a phone call about a nighttime federal court arrest and this is not your area of expertise, it would be to your and your client's best interest to call a criminal defense lawyer who regularly practices in federal court.

19th Judicial District Court

If the East Baton Rouge Parish Sheriff's Office or the Louisiana State Police arrests your client, the case will go to the district court. If city police makes the arrest, it will go to the district court only if it is a felony offense. If it is a misdemeanor offense, the case will go to the Baton Rouge City Court. You can visit <https://www.ebrso.org/Parish-Prison-Inmate-List/PrisonInmateListApp> to view a list of inmates and find out the bond

amount (if it has been set) and which court the case is in.

The 19th Judicial District Court has a Bail Bond Project (225-389-4763) (225-358-4010 Booking Desk) that is under the direction of Gerard Guidry. The Bail Bond Project assists the district court judges in setting bonds. The district court duty judge schedule changes bi-weekly, and the duty judge will be the one to set the bond. Visit <https://ebrclerkofcourt.org/Duty-Court-Schedule> to locate the Criminal Duty Court schedule. Remember, this is different from the Civil Duty Court schedule. The judge that was on duty at the time of the alleged offense is the judge that will be assigned the case. Depending on when the offense was allegedly committed, the duty judge who sets bond may or may not be the judge assigned to the case.

Once your client is booked into Parish Prison (located at 2867 Brigadier General Isaac Smith Ave., across from the airport) and the booking process is complete, a member of the Bail Bond Project will interview the client to make a bond recommendation to the judge. The interview seeks information such as criminal history, circumstances of arrest, financial status and other personal information. When you receive a nighttime phone call about an arrest, the family member or friend will often ask you to go to the prison that night to visit the client. This is not advisable

because it may delay or interfere with the bond recommendation interview. The introduction to this article reminded you that there is a process that must be adhered to. The interview is an essential part of the process. Due to staffing issues at the Parish Prison, the Bail Bond Project sometimes experiences delays in interviewing inmates, so your client's release may be delayed. The staff member that conducts the interview does not have the authority to set bond; the recommendation is just that – a recommendation. Only the judge can set bond. The staff member will email the interview and the affidavit of probable cause to the duty judge to review prior to setting bond, which the judge may do then or wait until the bond hearing (commonly referred to as jail callout) at 1 p.m. the next day. The cutoff for the bond hearing is 2 a.m., so if your client is booked at 4 a.m. Thursday, the bond hearing will be at 1 p.m. Friday.

The judge on duty typically sets bonds a few times per night. If you are considering calling a judge in the middle of the night to set bond, it is wise to think twice. This judge may be the judge who handles the case in its entirety, so you do not want to start off on the wrong foot. If your client is too scared to stay in prison for the night, then an attorney visit to the Parish Prison may be your best option to ease your client's concerns rather than calling a judge in the middle of the night to set bond. But you then run the risk of disrupting the bond interview, ultimately delaying your client's release.

Other factors may delay the actual release of the client, even after bail is posted. Most commonly, the release procedure takes time. The Parish Prison staff must process the bond and paperwork, physically get the client and the client's personal belongings and complete other procedural steps. Conditions of bail may delay release. Common conditions are meeting with a bond supervisor prior to release, signing a protective order and setting up monitoring services.

Louisiana Code of Criminal Procedure article 313 has provisions applicable to all criminal cases. For instance, Paragraph A, commonly referred to as "Gwen's Law," applies only to domestic

The judge on duty typically sets bonds a few times per night. If you are considering calling a judge in the middle of the night to set bond, it is wise to think twice.

violence cases and permits the court to consider additional factors when setting bond. Additionally, article 313 allows a contradictory bail hearing upon the motion of the prosecuting attorney. Furthermore, Paragraph B, which applies to any criminal case, permits the prosecuting attorney to request, and the judge to order, that the person be detained for a period not to exceed five days, excluding weekends and legal holidays, pending the contradictory hearing. Upon receiving the motion, the judge will consider the motion and affidavit of probable cause to determine if the court needs additional evidence, in which case the judge will either set the motion for contradictory hearing, or the judge will set bond during jail callout and notify the prosecutor.

City Court

The Baton Rouge Police Department rarely books anyone into the Parish Prison. If someone is booked into the Parish Prison on a City Court charge, it is likely due to driving while intoxicated. Due to the COVID-19 pandemic, the only misdemeanor cases currently being booked into the Parish Prison are domestic abuse cases. That may change at any time as COVID procedures continue to change. City Court Bonds are usually preset by schedule, after a person is booked into the Parish Prison.

East Baton Rouge Juvenile Court

Cases involving minors (17 or younger) are generally processed through the Juvenile Court system. The Sheriff's Office and the Baton Rouge Police will

often release the juvenile to the custody of the parents, provided that the parents sign an agreement stating that the child will remain out of trouble and appear at the court date. If the juvenile is held over, a detention hearing will be held the following court day at noon, but it is advisable that you call the court to verify when the hearing will be held. Terms and conditions of bail will be set at the hearing. The parents must attend the hearing.

Types of Bonds and Their Requirements

Commercial Surety Bond and Surety Bond

A commercial surety bond is the equivalent of a cash bond, written with an insurance company as the surety. It requires paying the bondsperson 12% of the bond amount in exchange for the company guaranteeing the entire amount of the bond to the court. This fee to the bondsperson is non-refundable. Even at the disposition of the case, the bondsperson retains 12% of the bond.

A personal surety is a Louisiana resident (who is not an attorney, judge or ministerial officer of the court—remember Louisiana Code of Criminal Procedure art. 313) who is willing to put up the 12% of the bond for you. The personal surety also guarantees the full amount of the bond.

If the accused does not appear for court, the surety has 180 days to cause the defendant to return to court before the bondsperson or personal surety is obligated to pay the full amount of the bond.

Property Bond

Property bonds involve someone, not a lawyer, judge or officer of the court, to essentially mortgage a piece of immovable property to ensure that the accused attends all future court appearances. The process to obtain a property bond can be time-consuming. All steps in the process must be completed on the same day, so you should begin the process no later than noon. You must obtain an Assessment Certificate at the Assessor's Office at City Hall.

You must bring this certificate to the Bail Bond Project (third floor of the 19th JDC) to approve and stamp your certificate. Then you must take the certificate to the

Mortgage Department of the Clerk of Court located in the basement of City Hall to request a Mortgage Certificate and Conveyance Certificate. After that, you must return to the Bail Bond Project with your certificates to determine if the equity in the property is equal to or more than the amount of the bond. The Bail Bond Project will assist in drawing up the paperwork and presenting it to the judge. If signed, you will get a copy of the property bond, which you must record. Once recorded, you must take the documents to the Parish Prison. Keep in mind that fees will apply to obtain the certificates and recordation. All those who have an interest in the property must be present throughout this process. Bring at least \$300 in cash to cover these fees.

You may use the property to post bond only to the extent that you have equity in the property. If you have only \$50,000 of equity in the property but the bond is \$100,000, the property can be used to guarantee only \$50,000 of the bond. You can use a combination of bonds though. So, you can use a commercial surety, personal surety or another property bond to secure the remainder.

Remember that lawyers, judges or ministerial officers of the court cannot be a surety on any kind of bond, not even for a family member. This includes any immovable property that these individuals have an interest in. For example, if an attorney co-owns a house with a spouse, sibling or other individual, that property cannot be posted as bond.

Cash Bond

The accused or another eligible person may post the entire amount of the bond to secure release.

Sign Out Bond

A sign out bond, or release on recognizance, is when the judge authorizes the individual or another responsible person to sign a document like a promissory note to guarantee that the client will appear at future court appearances. Sometimes the judge may allow the client to sign himself out, but often a third party will need to be involved.

Sheriff's Fee

Everyone who is booked into the East Baton Rouge Parish Prison must pay a fee. If your case is in City Court and a bond is set, you must secure the bond and pay to the sheriff's office two fees totaling \$65. If it is a district court case, you will pay a \$30 fee to the Sheriff's Office. These fees must be paid via a money order (but

not a Western Union money order). If you are successful in getting your client released on bond in the middle of the night, you may run into an unexpected hurdle—where do you get a money order in the middle of the night? Your bank probably is not open in the middle of the night, but many convenience stores are and do issue money orders.

Attorney Visits

Interview rooms are open for use at the Parish Prison. All attorneys and others approved to conduct interviews and evaluations of inmates will be allowed to do so seven days a week from 8 to 10 a.m. and 1 to 4 p.m. Interview rooms will be approved on a first-come, first-served basis. Attorneys visiting their client at the Parish Prison must have their bar card and ID card. Some readers may think, "Well, of course," but many lawyers do not have a bar card. The Parish Prison will not accept a business card, firm letterhead, an engagement letter or other informal "proof" that you are an attorney. Visit <https://www.lspa.org/Members/MemberCards.aspx> to obtain your bar card.

When in doubt, call someone who does this type of work who can talk you through it.

¹ This article is limited to the East Baton Rouge Parish court systems. Other parishes have their own systems and procedures that may differ from the contents of this article.

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March 29, 2023

5 – 7 p.m.

Taylor Porter River Terrace, 450 Laurel Street, 8th Floor

Law Day 2023 takes place Monday, May 1.

Consider joining the BRBF Law Day
Committee to help plan events relating to civics
and law-related education for local schools.

This year's committee chair is Quintillis Lawrence.

Contact Cherie Lato, staff liaison to the committee,
to join the BRBF Law Day Committee:

cherie@brba.org or 225-344-4803.



What I've Learned:

Mike Aaron by Jennifer Maybery

Profession: Attorney and mediator

Age: 73

Born and Raised:

Born in Tylertown, Mississippi

Raised in Franklinton, Louisiana

Parents: Inez H. Aaron and W.W. Aaron

Siblings: None

Name of Spouse: Abigail Hamilton Aaron

Children: Houston M. "Chip" Aaron II & Christopher J. "Chris" Aaron

High School: Franklinton High School

College: LSU

Law School: Paul M. Hebert Law School

Law Practice: Practice primarily limited to family law and mediation

The best advice I ever got was: "Be yourself."

The best advice I ever gave was: "Be yourself."

I was always taught: to be respectful of others.

Going to law school allowed me to: be independent.

I always looked up to: my father and mother.

One of the jobs I had as a kid was: working in my father's "dime store."

If you really want to get me angry: use the word "irregardless" and improper subject-verb agreement.

If I could, I would: live in Italy.

The truth is: you can't fix stupid (*quote from Ron White*).

The turning point in my professional life was when:

I attended mediation training in Boston, Massachusetts, at the Boston Collaborative Group.

The older I get: the more easily I get upset with the lack of common sense displayed by many people.

The most important person I've ever met: was our former governor, Edwin Edwards. I had lunch with him.

I wish: for world peace.

I miss: the practice of law pre-2000 when attorneys were more respectful and professional.

I'd like to be 26 again so: that I could travel at an earlier age.

I would like to have dinner with: Thomas Jefferson and Teddy Roosevelt.

If I hadn't been a lawyer, I would have been: an Air Force pilot.

I have the most fun: traveling with my wife.

The last book I read was: "Versailles—A Biography of a Place."

The best movie ever produced was: "Dances With Wolves."

What people don't know about me: is that I used to own a Harley and rode to Colorado by myself. I also enjoy scuba diving and am an NAUI Dive Master.

I like: to travel and enjoy really good food and wine.

If I am allowed to leave your readers with a thought, it is this: The world is round for a reason—be careful what you do to others; it may come back to haunt you.

Lawyers Who Fly

by Collin J. LeBlanc

If you practice law, you have—at least once—dreamt of flying away to some form of escape that does not involve bills, bonds, witnesses and all the rest. As a much younger man, the author wanted to learn how to fly. One day, I made the mistake of sharing this ambition with a seasoned jet pilot who happened to have the military rank, heft and connections to make such an unlikely thing happen. He took me at my word. He next told me “to be ready.”

Over the better part of a year, the pilot began a countdown of sorts. “About six months out,” he shared one day. “Within three months,” he shared thereafter. Then, less than two weeks prior to the tragedy of Sept. 11, the pilot triggered a 30-day window. He would have me up in a trainer jet within a month. My excitement and reticence grew in equal measure. Then came the horror of Sept. 11.

A few days later, my friend confirmed the obvious. I was grounded, and I have stayed there ever since. Our local Bar has multiple brave souls who, unlike me, have chosen to break the surly bonds of earth. The following article shares the history and insight of two of them.

Christopher Whittington

Chris is a partner with the Law Firm of Williamson, Fontenot, Campbell & Whittington, L.L.C.

TBRL: Let’s get the obvious out of the way. When did you first decide to fly?

CW: In the spring of 2019, I decided that I wanted to become a pilot. My first flight lesson was on April 14, 2019, and it was so windy and the training plane was so light, that I was tossed around like a rag doll, so much so that I thought that I had made a terrible decision.

TBRL: Why?

CW: When I was born in Shreveport, my father, who was 45 at the time, was a pilot and had a crop-dusting company, so I had some exposure to and interest in aviation. My father later went on to become a PGA golf professional and stopped crop dusting when I was around 7 years old. Starting in 2018, I became involved in a new business in Shreveport, which is a four-hour drive by car. I thought that it would be a great idea to cut the travel time by flying. Then, my wife and I decided that we wanted to start going to different places

for long weekends, and the ability to fly to those places on our own schedule was a very convenient option.

TBRL: Did you have a fear of flying?

CW: No, but like any pilot, I have a lot of respect for the rules for aviation and the limitations that each aircraft has, especially as it relates to weather. A license to fly is a license to continue learning. I learn something new on just about every flight.

TBRL: Who is the best pilot you know personally?

CW: My friend and fellow lawyer Trae Welch is a meticulous pilot, with a wealth of aviation knowledge, as he has been flying on a regular basis since he was a teenager. Like all aviation students, during my training, I would occasionally get discouraged about my lack of progress. Trae would always encourage me, provide me with tips on how to keep improving, and tell me to never, ever give up.

TBRL: Is there anything you have learned from flying that you believe has helped you in the practice of law?

CW: It is dangerous to fly when you are distracted with external pressures, like thinking about work, dealing with family issues or not feeling well physically. The same is true with the practice of law. Your client deserves your full attention, and when collateral issues are in the way, those issues should be dealt with first before tackling your client’s problem.

TBRL: Is there anything you learned from the practice of law that helps you fly?

CW: We all know that lawyers should devote at least some of their effort and time to pro bono work to help those in need. This is not only needed; it is also gratifying. This is equally true for aviation. With the assistance of my wife (Jo Ann,



Christopher Whittington (in photo above) stands in front of his 2022 Cessna Skyland 182T on July 1, 2022, at the Cessna manufacturing plant in Independence, Kansas.

who considers herself to be a recovering lawyer), I fly trips for Pilots-N-Paws wherein we fly rescued dogs to their new homes. Our last trip was to fly “Honey” from Lake Charles, Louisiana, to Vicksburg, Mississippi, where the next pilot took her to her new family in Connecticut.

TBRL: What’s the best flying-related story you feel comfortable sharing?

CW: During the spring and early summer, I love watermelons from Sugartown, Louisiana. This year I loaded 14 of the large watermelons into the plane in Leesville, Louisiana, and brought them back to Baton Rouge to give to my family and friends. The people at the airport in Baton Rouge got a kick out of us unloading them from the plane to the car.

TBRL: Is there anything else you would like to add?

CW: The poem “High Flight” by Pilot Officer John Gillespie Magee Jr. really says it all, and I hope that your readers take the time to look it up.

Frank Tomeny III

Frank is a partner with the Law Firm of Tomeny & Best Injury Lawyers.

TBRL: When and why did you first decide to fly?

FT: 2014. I had always dreamed about becoming a pilot. I have several relatives who are pilots. I was traveling to depositions around Louisiana and visiting Colorado regularly. When my youngest child, Riley, moved to Dallas to attend college, I finally took the leap.

TBRL: Did you have a fear of flying?

FT: Not particularly, but I always said a prayer on take-off. Flying in bad weather with lightning, landing in low visibility and flying at night in the mountains all get my heart pumping. I got my instrument rating early on and make it a practice to almost always file a flight plan with the FAA before my flights. When on a flight plan, the FAA has primary responsibility for my



Photographed are Frank Tomeny III (right) with a father and son whom Tomeny flew to M.D. Anderson on behalf of Pilots for Patients.

safety and will direct me around any air traffic, weather, military operations areas and hazardous terrain.

TBRL: Who is the best pilot you know personally?

FT: My cousin, Capt. Danny Hymel, is the best pilot I know personally. We grew up flying model airplanes in White Castle, and he studied aviation at Louisiana Tech. Then he got in on the ground floor with Federal Express, where he worked for over 35 years.

TBRL: Is there anything you have learned in flying that you believe has helped you in the practice of law?

FT: Flying requires following safety-related standards, regulations and procedures, regular training, personal discipline, utilizing checklists and ultimately being responsible for other people’s lives. All of these things have helped me to become a better lawyer.

TBRL: Is there anything you learned from the practice of law that helped you to fly?

FT: A jury trial is a lot like flying. Both require careful preparation, anticipating potential problems and confidently reacting to things on the fly (pun intended).

TBRL: What’s the best flying story you feel comfortable sharing?

FT: My most recent “best flying story” was my trip to Jackson, Wyoming, for a wedding in the early fall. The majesty of flying over the Continental Divide in Colorado, Salt Lake City, the Grand Teton mountains and Yellowstone is my favorite part of flying.

TBRL: Is there anything else you would like to add?

FT: Flying has given me the privilege of being able to volunteer for PilotsforPatients.org, which offers free flights for patients who need to get to M.D. Anderson and other hospitals. I have gotten to know the patients’ families in the course of volunteering, and being a small piece of their journey has been humbling. The youngest patient was a 16-year-old football player from Georgia when he was diagnosed with Grade 4 Glioblastoma, a rare brain cancer.

A jury trial is a lot like flying. Both require careful preparation, anticipating potential problems and confidently reacting to things on the fly (pun intended).

Bar News

Ray Installed as 19th Judicial District Court Judge

The Hon. Gail Horne Ray's Ceremonial Oath of Office and Investiture as a judge of the 19th Judicial District Court was held at an en banc session of the court Thursday, Jan. 26, 2023. The Hon. Donald Johnson, chief judge of the 19th JDC, presided.

Recent Changes at the First Circuit Court of Appeal

Installation of Judge Steven M. Miller

First Circuit Court of Appeal Judge Steven M. Miller's investiture ceremony was Dec. 28, 2022, at the Lafourche Parish Courthouse in Thibodaux, Louisiana. Since 2014, Judge Miller served on the 17th Judicial District court. He filled the seat of Chief Judge Vanessa Guidry-Whipple.

Chief Judge Vanessa Guidry-Whipple Retires

Louisiana First Circuit Court of Appeal Chief Judge Vanessa Guidry-Whipple retired from the bench in December 2022. A lifelong resident of Terrebonne Parish, she attended the University of Southwestern Louisiana. She received her Juris Doctor degree from Loyola Law School. Upon her election in 1990 to First Circuit, she became the first woman elected to the 12-judge First Circuit Court of Appeal. In January 2013, she again made history when she became the 14th Chief Judge in the history of the First Circuit. Prior to becoming a judge, Chief Judge Guidry-Whipple practiced law in Houma, Louisiana, with her late husband, Keith Whipple.

Installation of Chief Judge John M. Guidry

The Hon. John Michael Guidry is the 15th chief judge of the Louisiana First Circuit Court of Appeal. His investiture was held Jan. 19, 2023, at the courthouse. He was first elected to the Louisiana Court of Appeal, First Circuit, in 1997. Judge Guidry is a 1980 graduate of McKinley Senior High School. He earned a bachelor's degree in political science from Louisiana State University in 1983. In 1987, he graduated with *cum laude* honors from Southern University Law Center.

Retired Judges Party To Be Held March 29

The BRBA will host a party for recently retired judges 5-7 p.m. Wednesday, March 29, 2023, at the Taylor Porter Rooftop Terrace. Please join us. For sponsorship information, contact Ann K. Gregorie at ann@brba.org or 225-214-5563.

New Workers' Comp District Judge Appointed

The Hon. Denise Lee has been appointed the District Workers' Compensation Judge in the Baton Rouge office. Judge Lee previously served as the mediator in the Baton Rouge office. She began her tenure as judge Monday, Feb. 6, 2023, filling the seat of Judge Pamela Moses-Laramore, who retired in December 2022.

Join the 2023 Law Day Committee Today

BRBA members are invited to join the Law Day Committee to help plan our law-related civic education events for middle and high school students. Contact Cherie Lato for more information: cherie@brba.org or 225-344-4803.

Family Law Section Elects Secretary-Treasurer

Brienne Griffin will serve as the 2023-2025 BRBA Family Law Section secretary-treasurer. She worked as an extern for Judge Charlene Day in 2015-2016. She became a staff attorney for The Family Court in and for East Baton Rouge Parish soon after passing the bar, where she remained for five years before opening her own practice.

Start Practicing Your Golf Swing

The Ball Maul Golf Tournament takes place at University Club Tuesday, May 23, 2023. Mark your calendar for this fun event, which is a fundraiser for BRBF projects. Contact Ann K. Gregorie at ann@brba.org or 225-214-5563 for sponsorship information or to register a three-person team.



Chief Judge John Michael Guidry (center) of the Louisiana First Circuit Court of Appeal is photographed with his staff (L to R): Tiffany Carriere, Kacy Collins Thomas, Jill Nasello Graves and Aerial Harris. Photo provided by the Louisiana First Circuit Court of Appeal.



THE BATON ROUGE BAR FOUNDATION PRESENTS
BALL MAUL 2023

TUESDAY, MAY 23, 2023 | THE UNIVERSITY CLUB OF BATON ROUGE
THREE GOLFERS PER TEAM. TWO TEAMS PER HOLE. . . YOU KNOW WHY!
LUNCH/REGISTRATION: 11 AM | SHOTGUN START: 12 PM

TEAM REGISTRATION FORM

Name _____

Firm _____

Address _____

City / State / Zip _____

Phone _____ E-mail _____

Handicap _____

Shirt Size: _____

Sign up individually or as a team:

Player 1: _____ Ph#: _____ Handicap: _____ Bar Roll#: _____ Mulligan*: Y or N

Player 2: _____ Ph#: _____ Handicap: _____ Bar Roll#: _____ Mulligan*: Y or N

Player 3: _____ Ph#: _____ Handicap: _____ Bar Roll#: _____ Mulligan*: Y or N

*Proceeds benefit Baton Rouge Bar Foundation projects

PLEASE CHECK APPROPRIATE PER PERSON FEE (Early Registration by 4/1/21):			
Registration:	Early	Late	
Single	\$135	\$160	<input type="checkbox"/>
Twosome	\$270	\$320	<input type="checkbox"/>
Threesome	\$405	\$480	<input type="checkbox"/>

*The Mulligan Package costs \$25 per person and includes one Mulligan, one Sandy, one Red Blast and one Poker Run.

Fax your completed form to 225-344-4805 or email it to: ann@brba.org.

To pay with credit card, call the bar office at 225-344-4803.

Under IRS regulation, \$90 of your fee is not deductible as a charitable deduction. Non-members: Please contact the BRBA office for information, (225) 344-4803. Your registration includes your greens fees, a cart, a box lunch, a gift and a post-tournament awards ceremony.

PROCEEDS BENEFIT BATON ROUGE BAR FOUNDATION PROJECTS

Golf Tournament Sponsorships Available.

Contact Ann K. Gregorie for more information:
ann@brba.org or 225-214-5563.

Changing Tides in the Administration and Practice of Law (Part 1): Default Judgments

by Cornelius Troy Hall

This article analyzes changes to Louisiana's default judgment process made by Act No. 174, H.B. 164, 2021 Leg., Reg. Sess. (La. 2021), effective Jan. 1, 2022. Part 2 of this series will address changes in the 19th Judicial District, including appointment of its General Counsel.

Pursuant to Act No. 174, H.B. 164 (La. 2021), a two-step process to obtain a default judgment has been reduced to a single step as preliminary defaults have been eliminated. Under the old law, following the preliminary default filing and the clerk's certification that no answer or other responsive pleadings were filed, a default judgment in favor of the plaintiff could be rendered confirming the preliminary default. Act 174 now also requires that notice of the plaintiff's intent to seek a default judgment be sent, when applicable, unless such notice is waived.¹

Additionally, Act 174 changed the timelines in La. Code of Civil Procedure 1001 for answering or filing a responsive pleading to a petition for damages, as follows:

- General delay for answering a petition (with no discovery filed and served with the petition) increased from 15 days after service to 21 days after service.
- Answering a petition (with discovery filed and served with the petition) increased from 15 days after service to 30 days after service.
- Answering a petition when the exception to the petition is filed prior to the answer increased from 10 days after the exception is overruled or service of amended petition to 15 days after the exception is overruled or service of amended petition.
- Answering a petition that is filed against the state or a political subdivision increased from 15 days after the exception is overruled or service of amended petition to 21 days after the exception is overruled or service of amended petition.

Customarily, a request to have a hearing for a default judgment is sufficient, yet each judge may require something slightly different. Generally, a default judgment may be granted without a hearing when the petitioner produces affidavits and exhibits "*sufficient enough to establish a prima facie case.*"² However, a hearing with oral testimony may be required, such as with conventional or delictual obligations, when the judge determines such testimony is necessary before granting a default judgment.³ When the judgment regards an open account, promissory note or negotiable instrument, an affidavit of correctness is enough to provide prima facie proof.⁴

Pursuant to Act No. 174, H.D. 164 (La. 2021), a two-step process to obtain a default judgment has been reduced to a single step as preliminary defaults have been eliminated.

For a deeper analysis of Louisiana's default judgment process and its changes, the following checklist should be considered:

- 1) Petition filed (with or without interrogatories & request for production of documents)
- 2) Proper service of petition completed:
 - a. Filing a green card from the post office into the record as proof of certified mail is not proper execution of service. Proper service on the individual is complete only when done in compliance with La. Code of Civil Procedure articles 1231 through 1236;
 - b. Service on the defendant (corporation, unincorporated association, partnership, political entity/public officer or limited liability company) is valid when completed in compliance with La. Code of Civil Procedure articles 1261 through 1266.
- 3) If the defendant has filed anything into the record, default judgment is not likely an available remedy. For example, if the defendant requested additional time to answer, the judge granted an additional 30 days and the defendant filed nothing, the court could then grant the default judgment—if all other requirements were satisfied and the plaintiff provided the defendant with notice of his intent to seek such a judgment, as is now required under La. Code Civil Procedure article 1702.
- 4) Motion for Default Judgment Filed:
 - a. Should contain a certification indicating that the suit is on an open account, promissory note, other negotiable instrument, a conventional obligation or an NSF check. This certification must also provide the service type and date for the petition, along with verification by the Clerk of Court that the record was examined and a statement that no answer or other pleadings have been filed;
 - b. Should contain an attorney's fee request, when applicable, along with the certification of the number of days elapsed since principal demand was made on the plaintiff.
- 5) Default judgment without hearing in open court; required information; certification:
 - a. Modifications were made to La. Code of Civil Procedure article 1702.1 that now require the plaintiff to "file a written request for default judgment containing a certification ... along with any proof required by law and proposed default judgment." This certification clause mirrors the prior requirements for the attorney

certificate, including (1) type of suit, (2) service information, (3) evidence to establish prima facie case and (4) attorney fees when allowed.

- 6) Necessary Support Documents Filed:
 - a. Affidavit(s), exhibits, invoices or NSF check;
 - b. Affidavit of Correctness submitted as prima facie proof of the sums due must be executed within 30 days of the filing of the motion for default judgment, when the default judgment is for an *open account, promissory note or negotiable instrument*.⁵ Furthermore, the Affidavit of Correctness must state that the person executing the affidavit is an employee of the plaintiff with particular knowledge of the account at issue.
- 7) Louisiana Code of Civil Procedure articles 1702 and 1702.1 and La. R. S. 23:1316.1 were modified to require “notice that the plaintiff intends to obtain a default judgment” to be sent via certified mail to counsel of record or, if no counsel of record, to the party, at least seven days before the default judgment may be rendered, when:
 - a. The defendant who failed to file an answer makes an appearance for the record in the matter; or
 - b. An attorney for a party who fails to answer has contacted the plaintiff or the plaintiff’s attorney in writing concerning the default judgment action after it is filed.

When the default judgment regards a delictual action, notice shall be sent by regular mail to the party who failed to answer at the address where initial service of the petition was obtained at least seven days before a default judgment may be rendered.⁶

When the default judgment is against the State, notice shall be sent by either registered or certified mail to the Attorney General or served by the sheriff personally on the Attorney General or the First Assistant Attorney General at the Office of the Attorney General, before rendering the default judgment. This condition replaces the “minute entry preliminary default requirement.” The Attorney General now has 21 days to respond following receipt of the notice.⁷

Also, whenever notice is required, the responsible party should file proof of its valid completion with its motion for default judgment.

- 8) Prescription Exception - Act. No. 174, H.B. 164 (2021), added Paragraph D to Louisiana Code of Civil Procedure article 1702, allowing the court to raise the objection of prescription. This addition is limited to cases involving a demand based on a right acquired by assignment in an open account (e.g., credit card), promissory note or other negotiable instruments. The applicable prescriptive

periods are three years for open accounts (La. C.C. art. 3494) and five years for promissory notes and other negotiable instruments (La. Civ. Code art. 3498). Time begins to accrue from the “day payment is exigible.” Black’s Law Dictionary defines the word “exigible” as “demandable; requirable.”⁸ Comment (B) to Louisiana Civil Code article 3495 states: “On principle, liberative prescription begins from the day a cause of action arises and its judicial enforcement is possible.”

These examined intricacies in and changes to Louisiana’s default judgment process signify a mixture of challenging, unique, beneficial and thought-provoking moments for the courts, attorneys and pro se litigants.

Overall, the changes reviewed in this article are clear examples of the 1929-1931 inscription carved over the entrance to the Yale School of Law: “The law is a living growth, not a changeless code.”

In closing, please note that the staff attorneys of the 19th JDC— or any court—are not meant to rank or establish the merits of default judgment pleadings nor advise a lawyer how to use Louisiana’s default judgments process and its changes.

¹ La. C.C.P. art. 1702(A)(1).

² La. C.C.P. art. 1702(B)(1).

³ La. C.C.P. art. 1702(B)(1) & (2).

⁴ La. C.C.P. art. 1702(B)(3) (2022).

⁵ *Id.*

⁶ La. C.C.P. art. 1702(A)(4).

⁷ La. C.C.P. art. 1704(B).

⁸ The Law Dictionary • Featuring *Black’s Law Dictionary*, Exigible, WWW.THELAWDICTIONARY.ORG <https://thelawdictionary.org/> (last visited Nov. 6, 2022).

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VITAL STATISTICS

Age: 61

Born and Raised:

Baton Rouge, Louisiana

Parents: John Albert Guidry
(deceased) and
Annie Mae Porter Jones.

Siblings:

Seven living: Sheila Sterwart,
Sharon Don Jones, Shawn Jones,
Yvette Rowell, Demette Guidry,
Johnetta Mitchell and
Jonathan Guidry,
and two deceased: Stewart Taylor
and Samuel Jones.

Spouse: Carol A. Fowler-Guidry

Children: John Morgan Guidry and
Kennedy Michelle Guidry.

High School:

McKinley High School

College:

Louisiana State University,
B.A. in political science

Law School:

Southern University Law Center,
1987 *cum laude* graduate

Law Practice:

Former Assistant Parish Attorney for
the City of Baton Rouge and the Parish
of East Baton Rouge and 10 years of
general private practice.

A portrait of Honorable John Michael Guidry, a Black man with short hair, a mustache, and glasses. He is wearing a dark suit jacket, a white shirt, and a red patterned tie. He is smiling slightly and looking towards the camera. The background is a blurred interior setting with an American flag visible on the right side.

Honorable John Michael Guidry

Interview with Chief Judge John Michael Guidry

Louisiana First Circuit Court of Appeal by Angela A. Allen-Bell

Growing up I always wanted to be: a lawyer.

If I hadn't been a lawyer, I would have been: an administrator.

The best advice I ever got was: work hard, get a good education and stay out of trouble.

The best advice I ever gave was: work hard, get a good education and stay out of trouble.

The best lesson I ever learned was: to be thankful for the kindness of others because they don't have to be.

I was always taught: to be respectful—that a well-placed “yes ma'am” and “no sir” will take you far in life.

Going to law school allowed me to: pursue so many avenues. Certainly, it allowed me to be a lawyer and a judge, but it also was beneficial for me as assistant clerk of the Louisiana House of Representatives, as a state senator and as a state representative, as well as during my service on boards and commissions like the Greater Baton Rouge Port Commission and the Board of Commissioners for the Baton Rouge Metropolitan Airport.

I always looked up to: my mother.

One of the jobs I had as a kid was: I worked at the Chicken Shack for former Louisiana State Representative Joseph A. Delpit and Henry Baptiste. Representative Delpit later hired me as his legislative assistant and became a life-long mentor. He was a staunch supporter of my efforts to become elected to the Louisiana House of Representatives to replace him.

If you really want to get me angry: mess with my family.

My parents taught me: to love and to forgive.

If I could, I would: start all over again.

The truth is: one should never stop learning.

The turning point in my professional life was when: I ran for elective office in 1991.

I think more people should: offer themselves for public service.

If I was in charge: I would surround myself with people whose talent and intellect exceeds mine.

The older I get: the more I want to share the wisdom and insights I have gained with others.

The most important person I've ever met: my mother.

I wish: those I love will be blessed with health, happiness, prosperity and longevity.

I've never been able to: say “no” as often as I should.

I'd like to be 26 again because: I could use the wisdom I have gained since when I was 26.

I would like to have dinner with: as many family members and old friends as possible.

I have the most fun: making memories with family.

The last book I listened to was: “A Promised Land: The Presidential Memoirs” by Barack Obama.

What people don't know about me is: at my core, I am an introvert.

I listen to: 1980s slow jams.

I like: taking long walks alone.

TBRL: What is the significance of you becoming the first Black chief judge in the history of the First Circuit Court of Appeal?

JMG: The First Circuit has existed for more than 100 years. In all that time, there have been only two Black judges elected to the First Circuit. I am the first Black person to ever hold the position of Chief Judge in this circuit. I believe “if you see it; you can be it.” My becoming Chief Judge allows some young people a visual of future possibilities for themselves.

TBRL: How does a diverse judiciary serve the people of Louisiana?

JMG: Diversity must exist in judicial spaces if judicial outcomes are to be viewed as legitimate by the broader community. To this end, diversity leads to greater public trust and confidence in the judicial process and the resulting decisions produced by it. At the appellate level, decisions are made by panels. The more diverse the panel, the more life experiences and perspectives are brought to bear in the deliberative process.

TBRL: What do you hope your impact on the Louisiana judiciary will be?

JMG: That I have infused my principles, ethical imperatives, unique life experiences, education and commitment to the rule of law and into the work I do. I hope, as a result, that my body of work reflects justice and fairness to all people, in all instances; that it can be said that I served without fear or favor; and that whatever my decisions were, they were intellectual, honest and supported by the law.

TBRL: Should all judges (and not just new judges) complete mandatory bias and cultural competency training at regular intervals?

JMG: Absolutely. I also feel mandatory training in the handling of domestic violence cases would well serve the judiciary and the public.

TBRL: Based on your many years of observing attorneys, either through briefs or during oral arguments, what suggested improvements do you offer?

JMG: Trial lawyers should always think of the future appeal. As they litigate cases at the trial court, they should take care to create a record that the appellate court can use. Once before the appellate court, lawyers should address the significant aspects of cases in briefs and not assume there will be an opportunity to do so as fully at oral argument. In all dealings with courts, clients and colleagues, lawyers should be courteous and respectful.

TBRL: I think that if I am allowed to leave your readers with a thought, it is this.

JMG: My best advice is not contained in a code. It's biblical. Do justly, love mercy, walk humbly with God.

Attorney Spotlight: Valerie Briggs Bargas

by Kolby P. Marchand

TBRL: Describe your involvement with the BRBA.

VBB: I have been involved with the BRBA for years in a wide variety of roles. I worked diligently with the young lawyers when I was in LSBA young lawyer leadership. We worked to bring Wills for Heroes to Baton Rouge through the BRBA, and we were very successful. Ann has tapped me for a variety of help with various projects through the years. Of course, Bench Bar has been a focus of mine since I've been practicing here. I also represent the 19th on the House of Delegates for the LSBA.

TBRL: What is your favorite BRBA activity or event?

VBB: The Bench Bar Conference is by far the best. Traveling to a fun place, obtaining all of my CLE and enjoying time with colleagues and family. What more do you want?

TBRL: What is your favorite part about practicing law?

VBB: I love dealing with people. I love solving problems and figuring out how to solve problems. Litigation presents a ton of puzzles to solve while working with and figuring out people. I like getting the right result.

TBRL: Why did you want to become an attorney?

VBB: I wanted to be a lawyer from around age 7. I enjoyed arguing and discussing politics, which seems rather strange when I look back on it. I had a very strong sense of what I considered to be right and wrong.

TBRL: If you were not practicing law, what would be your alternate profession?

VBB: I would have become a physician. I took my last undergraduate requirement for med school (a physics class) while I was in law school. Tulane permitted graduate students to take one undergraduate class a semester. Once I got the litigation bug—after being a student lawyer in the Tulane Environmental Law Clinic—it was all over. I knew I wanted to litigate, and I wanted to do so right after law school.

TBRL: What is one thing you wish you had known before you went to law school?

VBB: I wish I had known how little law school prepares you for the practice. There is a dramatic disconnect between the two, particularly for those of us who litigate. You finish law school and you see the rule of law as being certain. When you practice, you realize there are so many variables that come into play in cases, and many of those variables have absolutely nothing to do with the rule of law. It's a tough pill to swallow.

TBRL: If you could change one thing about the practice of law, what would you change?

VBB: I wish the monetary side of the practice was not such a focal point. I know it's important and people need to make a living, but the financial side of the practice often changes the



Valerie Briggs Bargas (left) is photographed with Sallie C. DuPont.

focus from client-driven to money-driven. Money changes why people do what they do.

TBRL: Where and what type of law do you practice?

VBB: Broadly speaking, I handle casualty litigation (property and bodily injury) on the defense side, and a large percentage of my practice is focused on bad-faith litigation. I have a statewide practice in federal and state court.

TBRL: Tell us about your background.

VBB: I'm from Slidell, Louisiana. I graduated from Smith College with a bachelor's degree in environmental science and policy. I came back home to attend Tulane University Law School, mainly because I received a generous scholarship and Tulane had a well-respected environmental law program. I graduated in 2001, passed the June bar, and immediately started practicing with a firm in New Orleans.

TBRL: Who was your greatest mentor as a young lawyer?

VBB: I was fortunate to have several amazing mentors. I was fortunate to work with Judge Mary "KK" Norman and Dale Atkins, former Clerk of Court for Orleans Civil District Court (CDC). I spent my summers between college as an intern in CDC working for Dale, KK and several other judges. During my first and second years of law school, I clerked for Dale. Both KK and Dale were strong women—who were the first females in their respective roles—and they really helped to advise me.

When I began practicing, my first mentor was Tim Schafer, whom I worked with in New Orleans. He immediately put me in the courtroom—literally—I was sworn in on Friday, and my first trial was in First City Court on Monday morning in front of Judge Spears. Tim had a gift of making me feel comfortable and confident about my ability. He attended my first trials, not to overshadow me, but to give me support and feedback. Frankly, it was invaluable.

When I started practicing in Baton Rouge in the early 2000s, Brent Kinchen was my first mentor. Anyone who has had a case with Brent understands that not only is he a talented litigator, but he is a consummate professional. He taught me the art of coveting and developing relationships with counsel such that trials should be focused on the clients, the issues and the facts. He never believed in showmanship. It was not his style. Brent had a permanent impact on how I developed as an attorney and, though he is retired, I call him regularly to pick his brain.

Mike Walker and Rick Reed were amazing mentors and impacted how I wrote, strategized cases, picked experts and argued to juries. Mike Walker is brilliant. He had angles in cases that I would not necessarily have thought of or considered. Rick just knew how to talk to people. He was extraordinarily ordinary. He could relate to anyone, and that is natural talent.

I love investing in associates and watching them become great. I love watching them grow confident in their skills in the courtroom and on paper. I love to see them grapple with the practice and its crazy issues. It's gratifying, and it directly relates to my mentors, who took their time and energy to invest in me.

TBRL: *Are you involved with any other organizations or causes?*

VBB: I serve on the Board of KKdL – Karnival Krewe de Louisiane, a fundraising arm of Mary Byrd Perkins Cancer Center. I serve on Appleseed's Board, a statewide organization that seeks to influence policy initiatives that result in systemic changes. I also serve on the Louisiana Attorney Disciplinary Board as the LSBA's attorney representative. In my spare time, I am involved in my children's schools.

TBRL: *What is the best piece of advice you have received?*

VBB: Nothing worth having comes easy. My grandfather always told me that I would be most proud of those accomplishments that took the greatest investment. He was 100% correct.

TBRL: *Do you compete in any sports or competitions?*

VBB: I run a good bit, and I've been known to enter a race or two during the year. It's my stress reliever. Races give me something to train for and work toward. I do like a good competition.

TBRL: *What would you consider your greatest achievement?*

VBB: Building my law firm—Kinchen Walker Bienvenu Bargas Reed & Helm, LLC—is my greatest achievement. Our team is amazing. My legal secretary, Shelley, and my paralegal, Amanda, are dear friends and rock stars. I feel lucky every day. Even though the job is hard and stressful, doing it with people you respect and care about makes it all worth it. In my personal life, I count myself fortunate to have met my husband and to have three healthy kids. Being able to run a marathon is also pretty cool.

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Book Review

by Vincent P. Fornias

Reprinted from the Louisiana Bar Journal,
December 2022/January 2023, Vol. 70, No. 4.

Breaking Barriers: A View from the Bench by
Judge Freddie Pitcher, Jr., published by LSU
Press, July 2022, 192 pages.

In his book, Judge Freddie Pitcher, Jr., a pioneer of the Baton Rouge legal community, quotes Victor Hugo: “There is no force more powerful than an idea whose time has come.” And therein lies the framework of his inspiring memoir.

Born and raised in Valley Park, a section of South Baton Rouge where Black neighbors struggled to ascend the economic ladder, Pitcher recounts fondly his youthful days at Owens Grocery and Market. There, he and his friends would sit on the adjoining benches flanking its entrance to plan and discuss their day of sports, romance, and the obstacles presented in a segregated town. Pitcher’s mother ran a beauty shop from the back of their house while his father was away toiling at the Standard Oil plant from which he retired after decades of faithful service. In school, Pitcher tried out for the band, admitting he could play on his borrowed alto sax only one tune (Fats Domino’s “Blueberry Hill”). He didn’t make it, perhaps to our ultimate gain. Working after school and summer jobs such as caddying for the local country club and shining shoes, Pitcher providentially gained confidence for a brighter future in a speech and drama class he was assigned to in high school. And thence were nurtured his dreams of becoming one of the few Black lawyers in his hometown. His role model was his father’s cousin, a lawyer who would often visit the Pitcher home and would gather with neighbors to discuss the social injustices occurring every day. Pitcher listened carefully and thought of his own future.

After high school, he attended nearby Southern University, majoring appropriately enough in political science, and fell in love with his eventual wife, Harriet. Upon graduation, after a brief job in a federal program coordinating services to the impoverished in Baton Rouge, the draft board summoned him. Ultimately, he was assigned to service in Germany before returning stateside with Harriet. He quickly found employment with another federal program helping the underprivileged as he planned

Editor’s Note: The BRBA Veterans Day CLE seminar at the USS Kidd in November 2022 featured a Skip Philips interview of Judge Freddie Pitcher Jr. (retired), who discussed his book, “Breaking Barriers: A View from the Bench.” Judge Pitcher’s comments were warmly received, and The Baton Rouge Lawyer considers it important that our entire readership learn more about Judge Pitcher’s insights and his book. Vincent Fornias reviewed Judge Pitcher’s book in a recent issue of the Louisiana Bar Journal. TBRL is grateful for the LBJ’s permission to reprint Fornias’ article in our publication.

for his ultimate educational goal of enrolling in Southern University Law School. His leadership skills soon came to the surface there, where he was elected president of the student bar association — by a single vote. In that position, he was instrumental in keeping peace and quashing irresponsible rumors in Baton Rouge after a violent downtown incident involving local police and a Black Muslims group from out of state.

Pitcher graduated from law school and passed the bar exam on his very first try, which was a rare accomplishment by Southern Law graduates at the time. He soon found employment in the Attorney General’s Criminal Division, then as a federal aid coordinator for the City-Parish of Baton Rouge. There he forged the political ties and connections that would help him realize his ultimate dream of making a difference in his community. After being hired as an assistant district attorney in the Criminal Division, and eager to enter the courtroom, Pitcher convinced his supervisors to let him try the first death penalty case in Baton Rouge since its reinstatement by the Supreme Court. He achieved a hard-fought conviction and his reputation began to build.

Since his D.A. job allowed him to maintain a growing private practice, Pitcher maintained a law firm with other Black associates. It was from his time there that an incident occurred that this writer wishes had been shared with him while he was still writing “war stories” for this publication. It seems that Pitcher had prosecuted a gentleman who, wearing dark glasses, had been shepherded into the courtroom on the guiding hand of a young man. He sought mercy based on his obvious disability. Imagine Pitcher’s surprise when months later the same person drove up to his law office on Plank Road in a new Cadillac, sans sunglasses, requesting unsuccessfully that he represent him in another criminal matter.

Soon, the opportunity Pitcher had silently prepared for knocked on his door. An opening arose in Baton Rouge City Court, where no Black judge had ever served.

His role model was his father’s cousin, a lawyer who would visit the Pitcher home and would gather with neighbors to discuss the social injustices occurring every day. Pitcher listened carefully and thought of his own future.

Pitcher jumped into the fray against a White opponent in a city which was only 40% Black. His non-stop enthusiasm was contagious as he marshaled support that crossed racial lines. He even received the previously unheard-of endorsement of the local newspaper. On election night, Pitcher had shattered the judicial glass ceiling, winning 57% of the vote. His service as City Court judge commencing in 1983 extended far beyond ruling on thousands of matters that came before him. Pitcher saw himself as a role model for the Black community and took that responsibility seriously, including speaking as often as he could at predominantly Black schools on the value of hard work and education.

In 1987, Pitcher faced an even harder task when an opening in the Baton Rouge State District Court presented itself. Again, his opponent would be a notable White prosecutor. But this time, the race encompassed the entire parish, whose demographics were even less favorable to his election. Compounding the challenge was the concession by Edwin Edwards of victory to his opponent in the gubernatorial election scheduled for the same day, a fact that dramatically diminished the chances of a high-voter turnout. Recruiting his past campaign team and applying the same never-say-die tactics of forging a community-wide consensus, Pitcher was rewarded with an astounding 40% of the White vote and won the election with an overall 53% of the ballots cast.

Pitcher quickly went to work in District Court, trying his best to bring up to date a backlogged docket. One particular matter that came before him proved to be a great compass of his judicial philosophy. The matter involved the tragic vehicular death of the teenaged daughter of a beloved Baton Rouge pediatrician, whose windshield was shattered by concrete chunks thrown from an overhead bridge by two male teens looking for mischief. Shortly after their arrest for murder, the mourning pediatrician asked for permission to visit the teens in prison to speak to them about his late daughter. Thereafter, to everyone's amazement, he appeared in court seeking a merciful reduced sentence for his daughter's killers. Judge Pitcher writes about this life-changing experience:

I was forced to look deeper into my inner self and examine my own sense of humanity and forgiveness. I grew up in the church and believed in the Christian value of forgiveness. After witnessing so much murder and mayhem during my tenure as an assistant district attorney, a criminal defense lawyer, and now as a judge, I had to wonder if I had become

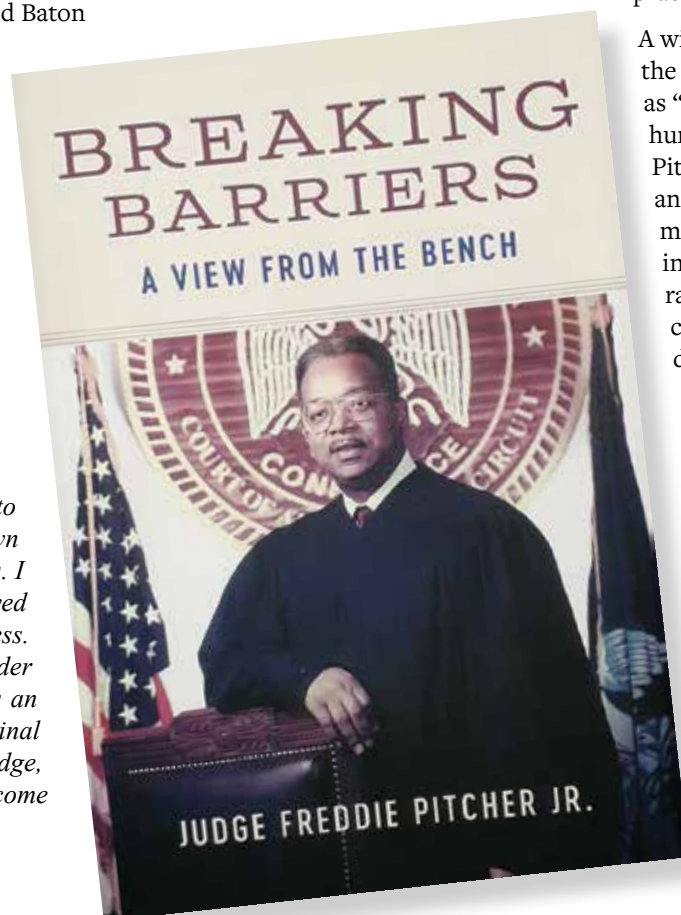
hardened to its meaning. The unusual circumstance of having Dr. . . . speak on behalf of these young men brought me back to my early lessons about what it meant to love your fellow man and how that played a part in forgiveness. The [doctor's family's] act of forgiveness was a lesson in what "agape" means. Punishment, retribution, and rehabilitation, however, were not incongruent with forgiveness in this case.

After several years, the ladder of judicial progression reappeared in 1992, and Pitcher was elected—without opposition—to the 1st Circuit Court of Appeal, where he served ably. It was during this service that he was chosen to sit ad hoc for a recused Justice on the Louisiana Supreme Court, in a manner that appropriately involved the constitutionality of a voting rights issue. As such, Pitcher, unimaginably removed far from the benches at Owens Grocery and Market, had managed to serve on the bench of every level of the Louisiana judicial system.

Thereafter, a return to private practice beckoned Pitcher in 1997 to accept a partnership in a classic, traditional "silk stocking" firm, an opportunity that doubtlessly would have been unavailable to him two decades before.

Six years or so thereafter, his alma mater summoned him to become its Chancellor. At Southern University Law Center, he focused his considerable skills to bolster the academic background of its faculty and increase the Bar passage rate of its graduates. In 2016, after a job well done, he returned to private practice with his former firm.

A wise person once described the late great Jackie Robinson as "a credit to his race—the human race." Judge Freddie Pitcher deserves no less of an accolade. His concise memoir should be of keen interest to anyone, of any race, who falsely perceives a ceiling to their professional dreams.



Foundation Footnotes

Pro Bono Reports — November and December 2022

Attorneys Accepting Cases

Denise Akers, Akers & Wisbar, L.L.C.; **Marlon Battley**, attorney at law; **Michele Crosby**, Jones Walker; **Dean Esposito**, Esposito Law Firm; **J. Keith Friley**, attorney at law; **Wren'nel Gibson**, attorney at law; **C. Troy Hall**, attorney at law; **Nicole Hazey**, Law Office of Nicole Hazey, LLC; **Etta K. Hearn**, attorney at law; **Neshia Heron**, attorney at law; **Rena Hester**, Hester Law Firm, LLC; **Michael Jefferson**, attorney at law; **Deanna Johnson**, attorney at law; **Melanie Jones**, Melanie Newkome Jones, APLC; **Betsy LeBlanc**, The Law Office of Betsy L. Leblanc; **Derrick McCoy**, attorney at law; **Barrington Neil**, attorney at law; **Paula Ouder**, Kuehne & Foote, APLC; **Keanan Parr**, attorney at law; **DeVonna Ponthieu**, attorney at law; **Daniel Price**, attorney at law; **Cynthia Reed**, Southern University Law Center; **Gavin Richard**, Law Office of Gavin M. Richard, LLC; **Brett Sandifer**, The Carpenter Health Network; **Spencer Schoonenbeg**, Shockey & Associates; **Sharita Spears**, attorney at law; **Arthur Vingiello**, The Steffes Firm, LLC.

Self Help Resource Center Volunteers

Aidan Reynolds, attorney at law; **Theophile Kadia**, law student at Southern University Law Center; **Whitney Graham**, law student at Southern University Law Center.

Pro Bono Project Fall Semester Law Student Interns

Theophile Kadia and **Whitney Graham**, Southern University Law Center.

Legal Hotline Volunteers

Candace B. Ford, Breazeale, Sachse & Wilson LLP; **Scott Gaspard**, attorney at law; **LaShonda Hubbard**, attorney at law; **Brian Juban**, Keegan, Juban, Lowe and Robichaux LLC; **Cherita McNeal**, attorney at law; **Brett Sandifer**, The Carpenter Health Network; **Willie Stephens**, attorney at law; **James Word II**, attorney at law; **James “Jimmy” Zito**, attorney at law.

Ask-A-Lawyer Volunteers

Michele Crosby, attorney at law; **Joycelyn Elmore**, administrative law judge; **Theophile Kadia**, law student at Southern University Law Center; **Sherita Spears**, attorney at law; **James A. Word II**, attorney at law.



Noteworthy Correspondence

I think you know how much I enjoy participating in the Ask-A-Lawyer program. Our lawyers have a (somewhat)challenging schedule at present, but I have printed your email with the list of venues and intend to volunteer hopefully for a couple of dates.

Thank you again for all of your hard productive work in assisting the service. I have been “moved” a couple of times at the truly sad situations that some of the attendees find themselves in.

Thanks again, Lynn. — David.

GAIL'S GRAMMAR

The proper usage of the homonyms *rain*, *rein* and *reign* confuses many writers. “Rain” is the wet stuff that falls from the skies or the act of something falling in great quantities. “Rein” is the strap that controls a horse or the act of controlling. “Reign” is royal rule or authority or the act of exercising great authority. Confusion arises when these words are used with common idioms. Below are some *rain/rein/reign* idioms and the proper word.

Take the reins — someone is taking control, not assuming royal authority

Rein in — controlling, as in pulling a horse’s reins to make it slow down, not exerting royal authority to slow things down

Reign of terror — persons are acting as if they had royal authority and causing terror; terror isn’t falling from the sky

Rain on the parade — to ruin plans, not to take over or control

Send suggestions for future Gail’s Grammar columns to Gail Stephenson at GStephenson@sulc.edu, or call Gail at (225) 926-1399.

MARCH 2023						
SUN	MON	TUES	WED	THURS	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

APRIL 2023						
SUN	MON	TUES	WED	THURS	FRI	SAT
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23/30	24	25	26	27	28	29

IMPORTANT DATES

March

- 1 Pro Bono Committee meeting via Zoom, Noon
- 3-4 Region III High School Mock Trial Competition, 19th JDC
- 8 BRBA Operations & Finance Committee Conference Call, 8:30 a.m.
- 11 Ask-A-Lawyer, Scotlandville Branch Library, 9:30 a.m.
- 15 Belly Up with the Bar Committee meeting, BRBA office, Noon
- 17 BRBA Publications Committee meeting via Zoom, 8 a.m.
- 22 BRBA Board of Directors meeting, 6 p.m.
- 29 Party for Retired Judges, Taylor Porter Rooftop Terrace, 5-7 p.m.

April

- 7 BRBA offices closed in observance of Good Friday
- 12 BRBA Operations & Finance Committee Conference Call, 8:30 a.m.
- 13 BRBA Board of Directors meeting, Grand Hotel, 10 a.m.;
Bench Bar Conference, Grand Hotel
- 14 Bench Bar Conference, Grand Hotel
- 15 Bench Bar Conference, Grand Hotel;
Ask-A-Lawyer, Carver Branch Library, 9 a.m.
- 19 Belly Up with the Bar Committee meeting, BRBA office, Noon

DUTY COURT SCHEDULE

19th JDC Civil Duty Court	
02/27 - 03/10	Judge Moore
03/13 - 03/24	Judge White
03/27 - 04/07	Judge Fields
04/10 - 04/21	Judge Ron Johnson
04/24 - 05/05	Judge Don Johnson

19th JDC Criminal Duty Court***	
02/24 - 03/03	Judge Foxworth-Roberts
03/03 - 03/10	Judge Crifasi
03/10 - 03/17	Pro Tem
03/17 - 03/24	Judge Myers
03/24 - 03/31	Judge Johnson Rose ^
03/31 - 04/07	Judge Smith
04/07 - 04/14	Judge Jordan
04/14 - 04/21	Judge Higginbotham
04/21 - 04/28	Judge Foxworth-Roberts
04/28 - 05/05	Judge Crifasi

Baton Rouge City Court*	
02/27 - 03/05	Judge Matthews
03/06 - 03/12	Judge Alexander
03/13 - 03/19	Judge Moore Vendetto
03/20 - 03/26	Judge Marcantel
03/27 - 04/02	Judge Temple
04/03 - 04/09	Judge Matthews
04/10 - 04/16	Judge Alexander
04/17 - 04/23	Judge Moore Vendetto
04/24 - 04/30	Judge Marcantel

Juvenile Court	
March	Judge Grover
April	Judge Haney

Family Court**	
03/01	Judge E. Green
03/02	Ad Hoc Judge (Div. C)
03/04	Judge Baker
03/06	Ad Hoc Judge (Div. D)
03/07	Judge Baker
03/08	Judge E. Green
03/09	Ad Hoc Judge (Div. C)
03/10	Judge E. Green
03/13	Ad Hoc Judge (Div. C)
03/14	Judge Judge E. Green
03/15	Judge E. Green
03/16	Ad Hoc Judge (Div. C)
03/17	Ad Hoc Judge (Div. C)
03/20	Ad Hoc Judge (Div. D)
03/21	Judge Baker
03/22	Judge E. Green
03/23	Ad Hoc Judge (Div. C)
03/24, 3/27	Ad Hoc Judge (Div. D)
03/28	Judge Baker
03/29	Judge E. Green
03/30	Ad Hoc Judge (Div. C)
03/31	Judge Baker
04/03	Ad Hoc Judge (Div. D)
04/04	Judge Baker
04/05	Judge E. Green
04/06	Ad Hoc Judge (Div. C)

Family Court (Continued)	
04/10	Ad Hoc Judge (Div. D)
04/11	Judge Baker
04/12	Judge E. Green
04/13-04/14	Ad Hoc Judge (Div. C)
04/17	Ad Hoc Judge (Div. C)
04/18	Judge Baker
04/19	Ad Hoc Judge (Div. D)
04/20	Ad Hoc Judge (Div. C)
04/21, 04/24	Ad Hoc Judge (Div. D)
04/25	Judge Baker
04/26	Judge E. Green
04/27	Ad Hoc Judge (Div. C)
04/28	Judge Baker

Court Holidays	
March 17	Prof. Development Day
April 7	Good Friday

NOTE: Duty Court changes at 5 p.m. each Friday unless otherwise specified.
*City Court's Duty Court judge is on duty from 8 a.m. on the Monday beginning his/her week of duty until 8 a.m. the Monday ending his/her week of duty.

**Family Court's Duty Court schedule is completely different each day, rotating on Fridays.

***19th JDC Criminal Court changes each Friday at noon.

^Section IV is currently the only section conducting Saturday callout.

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Attorney David Abboud Thomas is responsible for this ad.